

PROCEEDING COMMENCED UNDER subsection 29(5) of the *Ontario Heritage Act*,
R.S.O. 1990, c.O.18, as amended

Owner/Objector:	Peter Sergautis
Subject:	Notice of Intention to Designate
Property Address:	660 Sunningdale Road East
Legal Description:	CON 6 S PT LOT 13
Municipality:	City of London
CRB Case No.:	CRB1721
CRB Case Name:	Sergautis v. London (City)

MINUTES OF SETTLEMENT

WHEREAS the Corporation of the City of London served a Notice of Intention to Designate on the Owner of 660 Sunningdale Road pursuant to section 29(1.1) of the *Ontario Heritage Act*.

AND WHEREAS Owner of 660 Sunningdale Road East, Peter Sergautis, has filed an objection to the proposed designation to the Conservation Review Board, pursuant to section 29(5) of the *Ontario Heritage Act*.

AND WHEREAS 660 Sunningdale Road East is currently legally described as Part Lot 13, Concession 6 (Township of London), City of London, County of Middlesex (the "Property").

AND WHEREAS the Owner has received approval for a draft plan of subdivision on the Property (the "Plan of Subdivision").

AND WHEREAS the Owner has submitted a request to Municipal Council to demolish the two remaining barns located on the Property pursuant to section 34(1) of the *Ontario Heritage Act*.

AND WHEREAS the Parties are desirous of settling the Owner's objection to the designation filed with the Conservation Review Board, current demolition request, and conditions of draft plan approval.

THE CORPORATION OF THE CITY OF LONDON AND PETER SERGAUTIS AGREE AS FOLLOWS:

1. The City will proceed with designation of lands shown as Block 48 on the Draft Plan of Subdivision attached hereto as Appendix A as being of cultural heritage

value or interest pursuant to the *Ontario Heritage Act*, R.S.O. 1990, c. O-18 (the "Act"), by bylaw.

2. The Designating By-law shall be in the form attached hereto as Appendix B (the "By-law").
3. The Owner shall obtain and deposit a Reference Plan for Block 48, at the Owner's sole expense, in advance of final registration of the Plan of Subdivision (the "Reference Plan"). Upon deposit of the Reference Plan and enactment of the By-law, the Owner will be relieved of preparing a Heritage Impact Assessment for all blocks requiring site plan approval, except adjacent blocks 41 and 45 as shown on Appendix A.
4. The By-law will be registered on title for the Property until such time as the Reference Plan is deposited, creating a new legal description for Block 48, and subsequently the By-law will apply only to Block 48. The Owner hereby consents to an amending bylaw recognizing the new legal description and agrees not to take any steps under the *Ontario Heritage Act* with respect to objecting to this amendment.
5. In the event that final approval of the Plan of Subdivision alters the extent or limits of Block 48, further amendment to the legal description may be required. The Owner hereby consents to an amending bylaw recognizing the new legal description and agrees not to take any steps under the *Ontario Heritage Act* with respect to objecting to this amendment.
6. The conditions to approval of the Draft Plan of Subdivision are attached as Appendix C. The City agrees to recommend to the Approval Authority that Condition 16 may be cleared by incorporating this requirement into a Subdivision Agreement that addresses the future development of Block 48.
7. The Owner agrees to withdraw its objection to the Conservation Review Board within 2 business days of these Minutes being executed by both Parties.
8. The Owner agrees to send a letter to Council for the City of London within 2 business days of these Minutes being executed by both Parties, withdrawing its request to demolish the two remaining barns. The withdrawal of the request and/or the Owner's failure to appeal a refusal by Municipal Council on the request to demolish will be "without prejudice" to the Owner's rights to make a future request for demolition under of the *Ontario Heritage Act*. The Owner understands that Council's consent is required by the *Ontario Heritage Act* process prior to demolition of the two remaining barns, despite submitting the

withdrawal letter, and agrees to make no further submissions at a public participation meeting or Council in consideration of this particular demolition request.

9. This settlement shall not be construed as an agreement or admission on the part of the Owner that the remaining barns have heritage value or are in good condition.

10. This agreement shall bind all future owners or successors of the Owner.

11. This agreement may be executed in counterparts.

THE CORPORATION OF THE CITY OF LONDON

Dated:

Matt Brown, Mayor

Dated:

Cathy Saunders, City Clerk

Dated:

Peter Sergautis

Dated:

Witness: